

REMARKS

This is in response to the Office Action mailed January 30, 2007. Claims 19, 23-24, 26, and 29 have been amended. Claim 22 has been canceled. Claims 19-21, and 23-30 remain pending.

Rejections Under 35 U.S.C. §112 Second Paragraph

The Office Action rejected claims 26 and 29 under 35 U.S.C. §112, second paragraph as indefinite. Applicants respectfully traverse this rejection. Claims 26 and 29 are now amended to depend from claims 24 and 28 respectively. Applicants request that these rejections are withdrawn.

Rejections Under 35 U.S.C. §102

Joubert et al. (WO03/035819)

The Office Action rejected claims 19-23 and 30 under 35 U.S.C. § 102(b) as anticipated by Joubert et al. Applicants respectfully traverse this rejection.

The Office Action stated that the Applicants cannot rely on the foreign priority papers to overcome this rejection because a translation of the papers has not been made of record. A translation of the German application was submitted in the form of the PCT application. However, Applicants enclose a copy of the German priority document, a translation of the German priority document, and a certificate from Mr. Stephen M. Lins regarding the translation. Applicants believe that these documents are sufficient to overcome the Joubert et al. rejections under § 102(b). Applicants respectfully request that the Examiner withdraw this rejection.

Rejections Under 35 U.S.C. §103(a)

Joubert et al. (WO03/035819)

The Office Action rejected claims 24, 26, and 27 under 35 U.S.C. § 103(a) as unpatentable over Joubert. Applicants respectfully traverse this rejection.

As discussed above, Applicants enclose a copy of the German priority application, a translation of the German priority document, and a certificate from Mr. Stephen M. Lins regarding the translation. Applicants believe that these documents are sufficient to overcome the Joubert et al. rejections under § 103(a). Applicants respectfully request that the Examiner withdraw this rejection.

Joubert et al. (WO03/035819) in view of Heile et al. (U.S. Pat. No. 5,759,988)

The Office Action rejected claims 28 and 29 under 35 U.S.C. § 103(a) as unpatentable over Joubert as applied above in further view of Heile et al. Applicants respectfully traverse this rejection.

As discussed above, Applicants enclose a copy of the German priority application, a translation of the German priority document, and a certificate from Mr. Stephen M. Lins regarding the translation. Applicants believe that these documents are sufficient to overcome the Joubert et al. rejections under § 103(a). Heile does not overcome the shortcomings of Joubert et al. Applicants respectfully request that the Examiner withdraw this rejection.

Ferrara et al. (U.S. Pat. No. 3,557,006)

The Office Action rejected claims 19-21, 23-27, and 30 under 35 U.S.C. § 103(a) as being unpatentable over Ferrara et al. Applicants respectfully traverse this rejection.

Ferrara discloses a toilet bar composition that includes acids. The Office Action acknowledges that Ferrara does not disclose the specific combination of acids in the invention as claimed.

Applicants have amended the claims to call out at least two acids selected from the group consisting of adipic, succinic, and glutaric. The invention as claimed is directed to a selection of acids that can be melted, poured, packaged, and solidified in a uniform manner. Applicants have found that simply any combination of acids will not work. See Tables 1, 2, and 3 in the Examples section describing compositions, production and packaging processes and finished products. For example, formulas V1-V3 using citric and maleic, citric and glycolic, or just citric either did not melt and package well (i.e. V3) or did not produce a consistent finished product (i.e., V1 and V2). Only the combination of acids in formulas E1-E4 melt and packaged well and produced a consistent finished product. See formulas E1-E4 in Tables 1-3.

Ferrara does not recognize the combination of acids used in the invention as claimed or describe the combination in a way that renders the invention obvious. Therefore, Applicants respectfully request that the Examiner withdraw the rejection.

Ferrara et al. (U.S. Pat. No. 3,557,006) in view of Lopes (U.S. Pat. No. 6,559,110)

The Office Action rejected claim 22 under 35 U.S.C. § 103(a) as unpatentable over Ferrara in further view of Lopes. Applicants respectfully traverse this rejection.

The Office Action uses Ferrara as described above and uses Lopes to teach the addition of glutaric and/or succinic acids. However, Lopes does not recognize the combination of acids in the invention. Lopes includes a list of acids at column 3, lines 45-60. This list includes 28 acids and states that the acid can be two or more of the 28 acids. While this list includes citric, adipic, glutaric, and succinic acids, it also includes citric and glycolic. Formula V2 in Table 1 of

the application describes a composition with citric acid and glycolic acid and Table 3 describes how the finished product had a consistency that was too soft and pasty to be suitable as a block cleaner. A list of 28 acids does not render the selection invention in the application as claimed obvious, especially where the list of acids discloses combinations of acids that do not work. There is nothing in Ferrara or Lopes, either individually or in combination that would suggest the combination of acids in the invention. Applicants respectfully request that the Examiner withdraw the rejection.

Ferrara et al. (U.S. Pat. No. 3,557,006) in view of Evans (U.S. Pat. No. 4,992,193)

The Office Action rejected claim 24 under 35 U.S.C. § 103(a) as unpatentable over Ferrara in view of Evans. Applicants respectfully traverse this rejection.

Applicants have amended the claims to call out at least two acids selected from the group consisting of adipic, succinic, and glutaric. Ferrara does not recognize the combination of acids used in the invention as claimed or describe the combination in a way that renders the invention obvious for the reasons discussed above. Evans does not remedy the shortcomings of Ferrara. Therefore, Applicants respectfully request that the Examiner withdraw the rejection.

Ferrara et al. (U.S. Pat. No. 3,557,006) in view of Tauchi et al. (JP62045516)

The Office Action rejected claims 28 and 29 under 35 U.S.C. § 103(a) as unpatentable over Ferrara in view of Tauchi. Applicants respectfully traverse this rejection.

Applicants have amended the claims to call out at least two acids selected from the group consisting of adipic, succinic, and glutaric. Ferrara does not recognize the combination of acids used in the invention as claimed or describe the combination in a way that renders the invention obvious for the reasons discussed above. Tauchi does not remedy the shortcomings of Ferrara. Therefore, Applicants respectfully request that the Examiner withdraw the rejection.

Menke et al. (U.S. Pat. No. 5,759,974)

The Office Action rejected claims 19-21, 23-24, 26-28, and 30 under 35 U.S.C. § 103(a) as unpatentable over Menke et al. Applicants respectfully traverse this rejection.

As the Office Action acknowledges, Menke et al. discloses acids at column 6, lines 20-26. The list of acids includes amidosulfonic acid, phosphoric acid, citric acid, fumaric acid, malic acid, succinic acid and gluconic acid. The list of acids does not describe adipic or glutaric or recognize the combination of succinic, adipic or glutaric in producing, packaging and creating a stable finished product. Therefore, Applicants respectfully request that the Examiner withdrawn the rejection.

Menke et al. (U.S. Pat. No. 5,759,974) in view of Bellis et al. (U.S. Pat. No. 5,110,868)

The Office Action rejected claim 29 under 35 U.S.C. § 103(a) as unpatentable over Menke et al. in view of Bellis et al. Applicants respectfully traverse this rejection.

As discussed above, Menke does not describe adipic or glutaric acids or recognize the combination of succinic, adipic or glutaric in producing, packaging and creating a stable finished product. Bellis does not remedy the shortcomings of Menke. Therefore, Applicants respectfully that the Examiner withdrawn the rejection.

Summary

It is respectfully submitted that each of the pending claims is in condition for allowance, and notification to that effect is kindly requested. The Examiner is invited to contact the Applicants' primary attorney-of-record, Anneliese S. Mayer, at (651) 795-5661, if it is believed that prosecution of this application may be assisted thereby.



Respectfully submitted,

ECOLAB INC.
Law Department
Mail Stop ESC-F7
655 Lone Oak Drive
Eagan, Minnesota 55121
Phone Number: (651) 795-5661
Fax Number: (651) 204-7507

Dated: June 20, 2007

By: /Anneliese S. Mayer/
Name: Anneliese S. Mayer
Reg. No. 54,434